

State of South Dakota

EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

916L0033

SENATE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to BENNETT----Robbery.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 Section 1. That § 22-30-1 be amended to read as follows:

4 22-30-1. Robbery is the intentional taking of personal property, regardless of value, in the
5 possession of another from ~~his~~ the other's person or immediate presence, and against ~~his~~ the
6 other's will, accomplished by means of force or fear of force, unless the property is taken
7 pursuant to ~~process or otherwise pursuant to law~~ or process of law.

8 Section 2. That § 22-30-2 be amended to read as follows:

9 22-30-2. To constitute robbery, ~~the~~ force or fear of force must be employed either to obtain
10 or retain possession of the property or to prevent or overcome resistance to the taking. If
11 employed merely as a means of escape, it does not constitute robbery. ~~When force is so~~
12 ~~employed as to constitute robbery, the~~ The degree of force employed to constitute robbery is
13 immaterial.

14 Section 3. That § 22-30-3 be amended to read as follows:

15 22-30-3. The fear of force which constitutes an element of the offense of robbery may be
16 either:



(1) The fear of an injury, immediate or future, to the person or property of the person robbed, or of any relative ~~of his or member of his family~~ or family member of the person robbed; or

(2) The fear of an immediate injury to the person or property of anyone in the company of the person robbed at the time of the robbery.

Section 4. That § 22-30-4 be amended to read as follows:

22-30-4. The taking of property from the person of another or in ~~his~~ the immediate presence ~~of the person~~ is not robbery ~~when~~ if it clearly appears that the taking was fully completed without ~~his~~ the person's knowledge.

Section 5. That § 22-30-6 be amended to read as follows:

22-30-6. Robbery ~~when, if~~ accomplished by the use of force or by putting the person robbed ~~in fear of some immediate injury to his person~~ a dangerous weapon, is robbery in the first degree. ~~When~~ Robbery, if accomplished in any other manner, it is robbery in the second degree.

Section 6. That § 22-30-7 be amended to read as follows:

22-30-7. Robbery in the first degree is a Class 2 felony. Robbery in the second degree is a Class 4 felony.

Section 7. That § 22-30-11 be repealed.

~~22-30-11. Any person who obtains physical control of any aircraft registered pursuant to the provisions of chapter 50-11 by means of inflicting or threatening to inflict serious bodily harm or death on any person is guilty of air piracy.~~

~~A violation of this section that results in the death of any person is a Class B felony. Any other violation of this section is a Class 1 felony.~~